

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 10365

PERMIT 5942

LICENSE 3035

ORDER CORRECTING PLACE OF USE

WHEREAS:

1. License 3035 was initially issued to Associated Lumber and Box Company and was recorded with the County Recorder of Madera County on May 24, 1949. An ORDER allowing correction of name of source was also filed with the above County Recorder on May 24, 1962 in Document 6743, Book 829 and Page 323.
2. License 3035 was subsequently assigned to the American Forest Products Co.
3. A petition for change (to correct) the place of use has been filed with the State Water Resources Control Board and said Board has determined that good cause for such a change exist.
4. The Board has determined that said correction will not initiate a new right nor operate to the injury of any other lawful user and that good and sufficient cause has been shown for said correction.
5. The license condition pertaining to the continuing authority of the Board does not conform to the current common law public trust doctrine as contained in Title 23, California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The place of use under this license be amended to read:

NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18, T8S, R23E, MDB&M; as shown on a map on file with the Board.
2. The following standard provisions pertaining to the Board's continuing authority and public trust responsibilities shall be added to License 3035 pursuant to Section 780(a) of Title 23, of the California Code of Regulations.

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all

or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: SEPTEMBER 15 1988

Walter G. Pettit

for Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 10365

PERMIT 5942

LICENSE 3035

ORDER CORRECTING NAME OF SOURCE

WHEREAS license was issued to Associated Lumber and Box Company and was filed with the County Recorder of Madera County on May 4, 1949, and

WHEREAS license was subsequently assigned to American Forest Products Corporation, and

WHEREAS, Application 10365, Permit 5942, License 3035, specifies the name of the source involved as Kaiser Creek, otherwise known as South Fork of Willow Creek, and

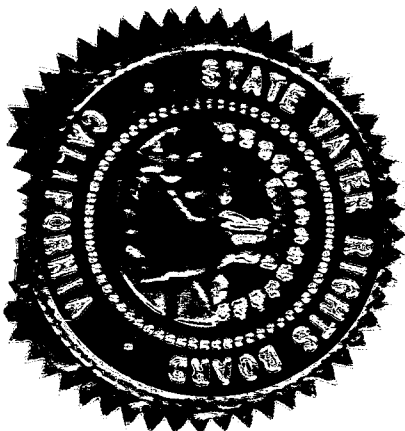
WHEREAS licensee has requested that the designation of the source of Application 10365, Permit 5942, License 3055, be changed to South Fork Willow Creek, and

WHEREAS, it appears that the proper designation of the source of Application 10365, Permit 5942, License 3035, should be South Fork Willow Creek and after due investigation the State Water Rights Board so finds,

NOW THEREFORE IT IS ORDERED that Application 10365, Permit 5942, License 3035, be and the same is hereby amended to specify the source involved as

SOUTH FORK WILLOW CREEK

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 23rd day of May, 1962



L. K. Hill
L. K. Hill
Executive Officer

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 10365

PERMIT 5942

LICENSE 3035

THIS IS TO CERTIFY, That **Associated Lumber and Box Company**
Stockton, California

Notice of Assignment (over)

has made proof as of **August 7, 1946**
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Kaiser Creek, otherwise known as South Fork of Willow Creek in Madera County

tributary to **Willow Creek and San Joaquin River**

for the purpose of **Industrial, domestic and fire protection uses**
under Permit **5942** of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from **January 19, 1942;**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **five hundredths (0.05) cubic**
foot per second to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located approximately South three hundred
(300) feet and East three hundred (300) feet from the center of Section 18,
T 8 S, R 23 E, M.D.B.&M.; being within the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 18.

A description of the lands or the place where such water is put to beneficial use is as follows: The NW $\frac{1}{4}$ of
the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, T 8 S, R 23 E, M.D.B. & M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion
herein specified and to the lands or place of use herein described.

APR 13 '49 B.K.
107-100 W.S.S.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 29th
day of April, 1949

Edward Hyatt
EDWARD HYATT, State Engineer

2-21-62

ASSIGNMENT TO American

Forest Products Corp by merger

4-27-29 name changed to Bendix Forest Products Corp

4-1-82 asgd to American Forest Products Co

10-17-88 asgd to South Fork Timber Industries, Inc.

10-16-89 asgd to Fibreboard Forest Industries Corporation, a Delaware Corporation

2/26/91 asgd to Denuba Timber Ind., Inc.
L3035

LICENSE 3035

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Associated Lumber & Box

Company

APR 29 1949

DATED